

REMARKS

Claim status

Claims 1-23, 29, 35-38, 40 and 28 are currently under examination. Claims 24-27, 30-34 and 39 are currently withdrawn. Applicants have cancelled claims 1, 2, 6-18 and 35-40. Claim 3 has been amended and rewritten into independent form. Basis for this amendment can be found throughout the Specification, more particularly on page 13, lines 11-15 (page numbering is based on the published PCT application). Further, Claims 4, 5, 19, 20, 21, 22, 23 and 28 have been amended to depend from claim 3. In addition, Applicants have added new claim 41. Basis for this new claim can be found throughout the Specification, more particularly on page 14, lines 3-6. Applicants submit no new subject matter has been introduced.

Specification

The Examiner has indicated that the appropriate designation of a trademark has not been used in regards to Zero Blunt™ and TOPO™ PCR. Applicants have amended the Specification to indicate the appropriate trademark. Applicants respectfully request withdrawal of the objection.

Claim Objections

Claim 18 is objected to under 37 C.F.R. 1.75 as duplicative of claim 5. Applicants have cancelled claim 18, and as such, submit the objection is moot. Applicants respectfully request withdrawal of the objection.

Rejections Under 35 U.S.C. § 112, First Paragraph

Claims 1, 2, 3, 6-17, 19-23, and 28-29 are rejected under 35 U.S.C. 112, first paragraph. Applicant submits that the claim amendments have addressed the Examiner's concerns. Applicants respectfully request withdrawal of the rejection.

Claims 35-38 and 40 are also rejected under 35 U.S.C. 112, first paragraph. Applicants have cancelled claims 35-38 and 40 rendering the rejection moot. Applicants request withdrawal of the rejection.

Deposit Requirement

Claims 35-38 and 40 are rejected under 35 U.S.C. § 112, first paragraph, as failing to provide an adequate written description of the invention and failing to provide an enabling disclosure without complete evidence either that the claimed biological materials are known and readily available to the public or complete evidence of the deposit of the biological materials.

Applicants herewith submit a declaration pursuant to 37 C.F.R. § 1.808, indicating that upon issuance all restrictions on the availability of the cultures to the public will be irrevocably removed upon issuance of any patent on the above-identified application.

Applicants submit that the declaration addresses the Examiner's concerns and respectfully request withdrawal of this rejection.

Rejection Under 35 U.S.C. § 101

Claim 35 is rejected under 35 U.S.C. 101 as directed to non-statutory subject matter. Applicants have cancelled claim 35 and submit the rejection is now moot. Applicants request withdrawal of the rejection.

Conclusion

Applicant submits that the claim amendments have addressed the Examiner's concerns and request that the claims be passed to allowance. Should the Examiner wish to discuss the foregoing in an effort to advance this application towards allowance, the Examiner is urged to telephone the undersigned at the indicated number.

Respectfully submitted,

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